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EXAMINER	
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ART UNIT	PAPER NUMBER
2609	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/785,228	LEE ET AL.	
	Examiner	Art Unit	
	Michael C. Colucci	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Objection to Abstract

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it contains more than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3, 4, 7, 9, 10, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 3, 4, 7, 9, 10, and 11, the use of the functional phrase “if the” or “if a” renders the claim(s) indefinite because the claim(s) have no definite outcome,

where use of "if" in this manner gives an optional outcome in which case an outcome may NOT take place, thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).Claims 4, 6, and 9 recite the limitation "the message key" after *first step of if* in claim 1, before *is pressed* in claim 6, and after *step of if* in claim 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3, 4, 6, 7, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Worthington et al, US 5698834, (herein after Worthington).

Re claim 1, "voice message recording/playing method", Worthington teaches a voice prompt circuit that can record and playback any message spoken to it, (col. 6 line 49-56). A "user's voice command is inputted through a microphone", Worthington teaches a headset for an operator where a microphone is worn and a microprocessor is included for speech recognition, (col. 2 line 17-25). Voice recognition mode is selected by selecting a "function selection key", Worthington teaches a user selecting modes of operation through input means such as a keypad, (col. 3 line 1-14). "A preset command is performed", A microprocessor programmed prior to speech recognition implies a

preset feature. Worthington teaches a voice command being processed by the speech recognition circuit and further processed by the decoder computer, (col. 3 line 1-14).

"System-on state", Worthington teaches the automatic activation of a voice prompt circuit, (col. 3 line 15-23). Activation implies a system being in the ON state. "Sequentially issuing a voice command whenever the function selection key is pressed", upon pressing a key and being processed by the voice recognition circuit (col. 3 line 1-14), Worthington teaches a decoder computer that sends the necessary commands to the voice prompt circuit, (col. 3 line 15-23).

"Record mode", Worthington teaches the enablement of a record mode for sound integrated circuit 6U6, (col. 10 line 47-55). "Recording a users voice message", Worthington teaches a voice prompt circuit that can record and playback any message spoken to it, (col. 6 line 49-56). "Corresponding to a prestored voice command in a data memory", Worthington teaches the use of memory on a microprocessor where words are translated into data and stored and used for the exchange of data, (col. 2 line 17-25). "Guidance message", Worthington teaches the assistance for a user where voice prompts are sent to the user where any message that can be spoken can be stored in the voice prompt circuit, (col. 6 line 6-15).

"Voice recognition standby mode", Worthington teaches a period when no utterance occurs during the capture time allowed for training, (col. 18 line 27-35). "Recognizing the inputted users voice command", Worthington teaches verified words that can be recognized by a voice recognition circuit, (col. 21 line 9-16). "Corresponding voice message from the data memory", Worthington teaches the use of memory on a

microprocessor where words are translated into data and stored and used for the exchange of data, (col. 2 line 17-25). "Voice the detected voice message through a speaker", Worthington teaches a speaker that generates oral voice prompts, (claim 7).

When a voice command "is not inputted for a predetermined period" a "guidance message" is voiced and the current mode goes into "sleep mode", upon pressing a key and being processed by the voice recognition circuit (col. 3 line 1-14), Worthington teaches that if after a predetermined time, VR CPU does not receive communication from the decoder computer, VR CPU goes into a sleep state, (col. 16 line 22-26). Worthington also teaches the assistance for a user where voice prompts are sent to the user where any message that can be spoken can be stored in the voice prompt circuit, (col. 6 line 6-15).

Re claim 3, "mode selecting step" where "the function key is pressed" and "voicing a mode-change guidance message" and "selected-mode guidance message", Worthington teaches a voice prompt circuit where a user presses a key and where information is spoken back to the user to confirm the correct press of a button, (col. 5 line 52-64).

Re claim 4, "the message key is pressed for record in a record standby mode", Worthington teaches the enablement of a record mode for sound integrated circuit 6U6, (col. 10 line 47-55). "Recording a voice message", Worthington teaches a voice prompt circuit that can record and playback any message spoken to it, (col. 6 line 49-56). "Guidance message", Worthington teaches the assistance for a user where voice

prompts are sent to the user where any message that can be spoken can be stored in the voice prompt circuit, (col. 6 line 6-15).

When a "length and a sound amount" of voice message "is not within a predetermined range" voicing a "guidance message", Worthington teaches that if after a predetermined time, VR CPU does not receive communication from the decoder computer, VR CPU goes into a sleep state, (col. 16 line 22-26). Worthington also teaches the assistance for a user where voice prompts are sent to the user where any message that can be spoken can be stored in the voice prompt circuit, (col. 6 line 6-15). "Requesting a user to again input", Worthington teaches verification of words where the user is prompted to repeat the utterance several times, (col. 18 line 42-51).

When the "length and the sound amount" of the inputted voice message "is within a predetermined range", Worthington teaches that if after a predetermined time, VR CPU does not receive communication from the decoder computer, VR CPU goes into a sleep state, (col. 16 line 22-26). Worthington teaches of a collision with previous trained templates, (col. 18 line 19-26). If a collision is not detected, the template is stored, which informs the decoder that the utterance was successfully trained, (col. 18 line 19-26). A trained utterance implies voice recognition within a predetermined allowance period.

Re claim 6, "message record mode" or a "recorded-message play mode" depending on which "message key is pressed", Worthington teaches various modes of operation of the voice prompt circuit such as record and playback. Worthington also

teaches a user selecting modes of operation through input means such as a keypad, (col. 3 line 1-14).

Re claim 7, "Voice recognition standby mode", Worthington teaches a period when no utterance occurs during the capture time allowed for training, (col. 18 line 27-35). "Recognizing the users voice command", Worthington teaches verified words that can be recognized by a voice recognition circuit, (col. 21 line 9-16). "Corresponding voice message from the data memory", Worthington teaches the use of memory on a microprocessor where words are translated into data and stored and used for the exchange of data, (col. 2 line 17-25). "Returning to the voice recognition standby mode", Worthington teaches verification of words where the user is prompted to repeat the utterance several times, (col. 18 line 42-51). Repeating an utterance implies the return to a standby mode.

When a "length and a sound amount is not within a recognition range" a "guidance message" is voiced, Worthington teaches that if after a predetermined time, VR CPU does not receive communication from the decoder computer, VR CPU goes into a sleep state, (col. 16 line 22-26). "Not within a recognition range", Worthington also teaches that is a user is speaking too softly or too far away an error will occur, (col. 18 line 27-41). Voicing a "guidance message", Worthington further teaches the assistance for a user where voice prompts are sent to the user where any message that can be spoken can be stored in the voice prompt circuit, (col. 6 line 6-15). "Returning to the voice recognition standby mode", Worthington teaches verification of words where

the user is prompted to repeat the utterance several times, (col. 18 line 42-51). Repeating an utterance implies the return to a standby mode.

"If the voice command is not a prestored command", Worthington teaches the check for validity (Fig. 16) after the input stage. Worthington also teaches the utterance being compared against all previously trained templates stored and checking for the closest match, (col. 18 line 19-26). Voicing a "guidance message", Worthington further teaches the assistance for a user where voice prompts are sent to the user where any message that can be spoken can be stored in the voice prompt circuit, (col. 6 line 6-15). "Returning to the voice recognition standby mode", Worthington teaches verification of words where the user is prompted to repeat the utterance several times, (col. 18 line 42-51). Repeating an utterance implies the return to a standby mode.

Claim 9 has been analyzed and rejected with respect to claim 1. Claim 1 teaches the limitations taught by claim 9.

Claim 10 has been analyzed and rejected with respect to claim 1. Claim 1 teaches the limitations taught by claim 10.

Claim 11 has been analyzed and rejected with respect to claim 1. Claim 1 teaches the limitations taught by claim 11.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: **(See MPEP Ch. 2141)**

a. Determining the scope and contents of the prior art;
b. Ascertaining the differences between the prior art and the claims in issue;
c. Resolving the level of ordinary skill in the pertinent art; and
d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Worthington et al, US 5698834, (herein after Worthington) as applied to claim 1 above and further in view of Fujii, US 6763332.

Re claim 2, "times of pressing the function selection key are detected to determine a mode selection", Worthington teaches a user selecting modes of operation through input means such as a keypad, (col. 3 line 1-14). However Worthington fails to teach times of pressing the function selection key. Fujii teaches a key being depressed one time to select a first mode (Fujii col. 7 line 43-48) and depressed once more to select a second mode (input/output mode), and the user may continue to press the key for additional modes, (col. 8 line 4-15). Therefore, the combined teaching of Worthington and Fujii would have rendered obvious a mode selection based on the times of pressing the function selection key.

9. Claims 5 and 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Worthington et al, US 5698834, (herein after Worthington) as applied to claims 4 and 7 above respectively, and further in view of Matthews et al, US 4757525, (herein after Matthews).

Re claim 5, "further comprises lighting a LED display unit to display a period for which the user inputs the voice message for record", Worthington teaches a voice prompt circuit that can record and playback any message spoken to it, (col. 6 line 49-56). However Worthington fails to teach an LED display to indicate a recording process. Matthews teaches a decode/encode signal where an LED 1156 is driven to indicate that the system is in encode mode where a message is recorded, (Matthews col. 57 line 30-35). Therefore, the combined teaching of Worthington and Matthews would have rendered obvious the lighting of LED's to display a period when input to a voice recognition system will take place.

Claim 8 has been analyzed and rejected with respect to claim 5. Claim 5 teaches all the limitations taught by claim 8. A *command* is broad and construed as a type of *message* where both terms have the same functionality in respect to voice recognition.

Examiner's Note

The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze

the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Colucci whose telephone number is (571)272-1847. The examiner can normally be reached on 7:30 am - 5:00 pm , alt. Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571)-272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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